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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,633	12/03/2001	Corinne Rosier	216566US2	7436
22850	7590	11/13/2006	EXAMINER	
C. IRVIN MCCLELLAND OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			CHANG, RICHARD	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 11/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

SK

Office Action Summary	Application No. 09/998,633	Applicant(s) ROSIER, CORINNE	
	Examiner Richard Chang	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 and 24-27 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 10-12, 19 and 24-27 is/are rejected.
- 7) ☒ Claim(s) 7-9, 13-18 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/03/2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/26/2005 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6, 10-12, 19 and 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent US patent No. 5754754 ("Dudley et al.") in view of US patent application publication No. 6,496,481 B1 ("Wu et al.").

Regarding claims 1, and 24-27, Dudley et al. teach a method and system (10) for transmitting data between at least one transmitter (12) and at least one receiver (14) (See Fig. 1), in the form of packets (40, See Fig. 2), each of said data packets (40) being associated with an identifier (52) of said packet, said receiver (14) periodically

sending a feedback message (60) to said transmitter (12), each feedback message (60) comprising at least one bitmap block (70) associated with a predetermined number of data packets having consecutive identifiers (72, more details are cited Wu et al. for combination), so as to selectively inform said transmitter (12) of a state of acknowledgement (acknowledged or unacknowledged) of each packets associated with the bitmap block (70), and associating a timer (36) with the bitmap blocks (70) (See Fig. 1 and Fig. 2, Col. 5, line 38 - Col. 6, line 37).

Dudley et al. teaches substantially all the claimed invention but did not disclose expressly the particular application involving limitations of

“a bitmap block including a predetermined plural number of fields associated with corresponding packet of data, each field representing a consecutive identifier corresponding to each packet of the transmitted packets and indicative of a state of acknowledgement of each transmitted packet and associating a timer with a periodic reception of the bitmap block at the transmitter”.

Wu et al. teaches a similar acknowledgement and retransmission method wherein a bitmap block including a predetermined plural number of fields associated with corresponding packet of data (bitmap in Fig. 3b), each field representing a consecutive identifier (sequenced identifier) corresponding to each packet of the transmitted packets (from Start to End using SID and EID, Fig. 3) and indicative of a state of acknowledgement of each transmitted packet (transmitted packet whether corrupted or received indication bits, for selective retransmission) and associating a

timer with a periodic reception (set for expiration period) of the bitmap block at the transmitter (See Fig. 3, Col. 8, lines 36-56).

At the time the invention was made, therefore, it would have been obvious to one of ordinary skill in the art to combine Wu et al. with Dudley et al. in order to obtain a method for transmitting data between at least one transmitter and at least one receiver and to take advantage of a bitmap block including a predetermined plural number of fields associated with corresponding transmitted packet, each field representing a sequenced identifier corresponding to each packet of the transmitted packets from Start to End using SID and EID and indicative bits of a state of acknowledgement of each transmitted packet whether corrupted or received for selective retransmission and associating a timer with an expiration period of the bitmap block at the transmitter.

The motivation to do so would have been to use a bitmap block including a predetermined plural number of fields associated with corresponding transmitted packet, each field representing a sequenced identifier corresponding to each packet of the transmitted packets from Start to End using SID and EID and indicative bits of a state of acknowledgement of each transmitted packet whether corrupted or received for selective retransmission and associating a timer with an expiration period of the bitmap block at the transmitter as suggested by Wu et al. in Col. 8, lines 36-56.

Regarding claims 2, 6 and 11-12, these claims have limitations that is similar to those of claim 1 and Dudley et al. further teach that a first step of activating said timer (32), when said transmitter (12) sends to said receiver (14) the first of said data packets (40) of consecutive identifiers (52) associated with said block (header), so that said

timer (32) switches to said activated state (See, Col. 6, lines 19-37), thus it is rejected with the same rationale applied against claim 1 above.

Regarding claim 3-5, 10 and 19, these claims have limitations that is similar to those of claims 1 and 6 and Dudley et al. further teach that for a given bitmap block (68) (header), a first step of deactivating said timer (32) after a predetermined maximum duration (expired), and in that said data packets of said block (68) are then considered by said transmitter (12) in said unacknowledged state (See, Col. 6, lines 19-37), thus it is rejected with the same rationale applied against claims 1 and 6 above.

Allowable Subject Matter

4. Claims 7-9, 13-18 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and if no art rejection can be applied.

Reason for indicating Allowable Subject Matter

5. The following is a statement of reasons for the indication of allowable subject matter: The prior art along or in combination fails to teach or make obvious the following limitations:

“after deactivating said timer, and wherein at least one packet associated with said bitmap block being in said unacknowledged state, positioning at least some

unacknowledged packets associated with said bitmap block in a retransmission queue" as recited in the dependent claim 7.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Chang whose telephone number is (571) 272-3129. The examiner can normally be reached on Monday - Friday from 8 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571) 272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



rkc

Richard Chang
Patent Examiner
Art Unit 2616



RICKY Q. NGO
SUPERVISORY PATENT EXAMINER